

Date Posted: October 1, 2010

Date of Meeting: October 5, 2010

Meeting: City Council

Time: 7:30pm

**Location: City Hall, 145 Taunton Avenue, Council Chambers, East
Providence RI 02914**

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

October 5, 2010

7:15 p.m. Executive Session

7:30 p.m. Open Session

I. EXECUTIVE SESSION

**The City of Council will meet in Executive Session for the purposes of
discussing Claims and Litigation pursuant to R.I.G.L. 42-46-5(a)(2)**

A. Claims Committee

(see concurrently posted Claims Committee Agenda)

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Vict/Not Over 25 - Transfer

2336 Pawtucket Avenue , Global Montello Group Corp DBA Mobil #2714 c/o Alliance Energy LLC 404 Wyman Street STE 415, Waltham, MA 02451

B. Holiday Sales

2336 Pawtucket Avenue , Global Montello Group Corp DBA Mobil #2714 c/o Alliance Energy LLC 404 Wyman Street STE 415, Waltham, MA 02451

C. Additional Hours

2336 Pawtucket Avenue , Global Montello Group Corp DBA Mobil #2714 c/o Alliance Energy LLC 404 Wyman Street STE 415, Waltham, MA 02451

D. Council Journals

1.Regular Council Meeting September 21, 2010

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VI.PROCLAMATIONS AND PRESENTATIONS

Karen Franks, 105 Elder Avenue (02915) Committee Member of the Sister City Brava Committee presenting a plaque to the City from a recent Sister City trip to Ribeira Grande, San Miguel, Azores.

COUNCIL SITTING AS LICENSING COMMISSIONERS

VII.LICENSES NOT REQUIRING PUBLIC HEARING

A. Renewal of Annual Miscellaneous Licenses

Authorization granting to renew subject licenses, excluding alcoholic beverage licenses, for year commencing December 1, 2010 upon application by licensee and approval by Chief of Police and, as required, by Health Inspector and other City Officials.

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

VIII.SHOW CAUSE HEARINGS

A. Azteca Restaurant, 335 Newport Avenue (02916)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. Hong Meas, 332 Warren Avenue (02914)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

IX.PUBLIC HEARINGS

**B.AN ORDINANCE APPROPRIATING \$140,674,680 FOR
THE SUPPORT OF THE CITY GOVERNMENT FOR THE
FISCAL YEAR ENDING OCTOBER 31, 2011**

**SECTION I. The receipts for the fiscal year ending October 31, 2011
have been established to amount to \$140,674,680 made up as follows:**

RECEIPTS

Beginning Balance \$2,800,000.00

General Property Tax \$87,091,000.00

Licenses and Permits \$927,800.00

Rescue Fee Transfer \$901,830.00

Vehicle Detail Fee Transfer \$370,000.00

Recycling Transfer \$95,000.00

Fines, Forfeits, Penalties \$30,000.00

Revenue from Use of Money & Property \$10,000.00

Revenue from Other Agencies \$1,652,160.00

Charges for Current Services \$804,600.00

Revenue from City Agencies \$90,000.00

Revenue Water Department \$8,216,290.00

Revenue Wastewater Department

Sewer Use Charge \$7,850,000.00

Other Revenue \$2,571,000.00

Revenue School Department

Local Sources \$2,172,000.00

State Sources \$25,093,000.00

TOTAL RECEIPTS \$140,674,680.00

SECTION II. To defray the expenses of the City of East Providence for the fiscal year commencing November 1, 2010 and ending October 31, 2011, the sum of money, or so much thereof as are authorized by law indicated in the accompanying schedule, are hereby appropriated for the objects and purposes, and in the amounts expressed therein, provided that payments thereunder shall be subject to the provisions of the City Charter of the City of East Providence and also subject to the provisions of said City Charter relative to the manner and form of expenditures of money set forth in said Charter from the City Treasury.

SECTION III. All monies appropriated are to be expended by the various departments in the manner and form approved by the Director of Finance.

SECTION IV. The payment to the School Fund of the following estimated receipts, included in the appropriation of \$71,290,100 for the support of the public schools for the City of East Providence fiscal year 2010-2011, shall be increased or decreased to conform with the actual amounts received from such sources during the fiscal

year 2010-2011 except the City appropriation of property tax.

REVENUE-SCHOOL DEPARTMENT

Local Sources \$2,172,000.00

State Sources \$24,593,000.00

City Appropriation of Property Tax \$44,025,100.00

R.I. Meals Tax Designated for Deficit Reduction \$500,000.00

TOTAL \$71,290,100.00

SECTION V. The purpose of this ordinance is to adopt the Budget for the fiscal year 2010-2011 which begins November 1, 2010 and ends October 31, 2011 as prepared and submitted by the City Manager, and to implement the recommendations as set forth in the City Manager's Budget Message by the approval of said recommendations as contained herein, or by other ordinances or resolutions of the City Council; all in accordance with the provisions of said Article.

**LEGISLATIVE, JUDICIAL AND GENERAL ADMINISTRATIVE
ACTIVITIES**

CITY COUNCIL

Personnel Services & Fringe Benefits 60,800.00

Supply and Service 6,150.00

66,950.00

CITY MANAGER

Personnel Services & Fringe Benefits 286,520.00

Supply and Service 24,650.00

Equipment and Capital Outlay 250.00

311,420.00

SENIOR CENTER

Personnel Services & Fringe Benefits 363,370.00

Supply and Service 23,200.00

Equipment and Capital Outlay 200.00

386,770.00

INFORMATION TECHNOLOGY

Personnel Services & Fringe Benefits 288,620.00

Supply and Service 103,520.00

Equipment & Capital Outlay 45,000.00

437,140.00

CITY CLERK

Personnel Services & Fringe Benefits 498,410.00

Supply and Service 120,300.00

Equipment & Capital Outlay 500.00

619,210.00

FINANCE-DIRECTOR

Personnel Services and Fringe Benefits 146,280.00

Supply and Service 1,450.00

147,730.00

FINANCE-CONTROL AND ACCOUNTS

Personnel Services and Fringe Benefits 337,700.00

Supply and Service 3,750.00

341,450.00

FINANCE-TREASURY-MIS

Personnel Services and Fringe Benefits 93,680.00

Supply and Service 38,100.00

131,780.00

FINANCE-TREASURY DIVISION

Personnel Services and Fringe Benefits 579,890.00

Supply and Service 202,600.00

Equipment and Capital Outlay 2,000.00

784,490.00

FINANCE-PURCHASING DIVISION

Personnel Services & Fringe Benefits 174,350.00

Supply and Service 16,830.00

Equipment and Capital Outlay 300.00

191,480.00

FINANCE-ASSESSMENT DIVISION

Personnel Services and Fringe Benefits 505,200.00

Supply and Service 7,900.00

Equipment and Capital Outlay 600.00

513,700.00

PLANNING

Personnel Services and Fringe Benefits 611,310.00

Supply and Service 11,400.00

Equipment and Capital Outlay 500.00

623,210.00

HUMAN RESOURCES & SERVICE-PERSONNEL & E.M.

Personnel Services and Fringe Benefits 498,230.00

Supply and Service 12,950.00

Equipment and Capital Outlay 1,000.00

512,180.00

HUMAN RESOURCES & SERVICE-AFFIRMATIVE ACTION

Personnel Services and Fringe Benefits 116,220.00

Supply and Service 1,800.00

Equipment and Capital Outlay -0-

118,020.00

LAW DEPARTMENT

Personnel Services and Fringe Benefits 388,810.00

Supply and Service 6,650.00

Equipment and Capital Outlay 500.00

395,960.00

CANVASSING AUTHORITY

Personnel Services and Fringe Benefits 169,070.00

Supply and Service 11,250.00

180,320.00

PUBLIC LIBRARIES

Personnel Services and Fringe Benefits 1,768,200.00

Supply and Service 132,750.00

Equipment and Capital Outlay 1,500.00

Debt Service 123,540.00

2,025,990.00

PUBLIC SAFETY-POLICE

Personnel Services and Fringe Benefits 10,645,840.00

Supply and Service 852,000.00

Equipment and Capital Outlay 15,000.00

11,512,840.00

PUBLIC SAFETY-FIRE

Personnel Services and Fringe Benefits 11,636,250.00

Supply and Service 661,000.00

Equipment and Capital Outlay 1,750.00

12,299,000.00

PUBLIC WORKS-ANIMAL SHELTER

Personnel Services and Fringe Benefits 265,600.00

Supply and Service 40,300.00

305,900.00

PUBLIC WORKS-BUILDINGS DIVISION

Personnel Services and Fringe Benefits 590,670.00

Supply and Service 578,520.00

Equipment and Capital Outlay 500.00

1,169,690.00

PUBLIC WORKS-BUILDING INSPECTION

Personnel Services and Fringe Benefits 657,170.00

Supply and Service 23,400.00

Equipment and Capital Outlay 10,600.00

691,170.00

PUBLIC WORKS-DIRECTOR

Personnel Services and Fringe Benefits 215,470.00

Supply and Service 2,070.00

217,540.00

PUBLIC WORKS-ENGINEERING

Personnel Services and Fringe Benefits 646,000.00

Supply and Service 16,540.00

Equipment and Capital Outlay -0-

662,540.00

PUBLIC WORKS-HIGHWAY

Personnel Services and Fringe Benefits 2,324,290.00

Supply and Service 521,120.00

Equipment and Capital Outlay 16,500.00

2,861,910.00

PUBLIC WORKS-CENTRAL GARAGE

Personnel Services and Fringe Benefits 715,440.00

Supply and Service 70,980.00

Equipment and Capital Outlay 1,300.00

787,720.00

PUBLIC WORKS-STREET LIGHTS

Supply and Service 650,000.00

PUBLIC WORKS-WASTEWATER FACILITIES PLANT

Personnel Services and Fringe Benefits 3,716,590.00

Supply and Service 410,000.00

Debt Service 1,138,870.00

Equipment and Capital Outlay 918,000.00

6,183,460.00

PUBLIC WORKS-WASTEWATER FACILITIES-COLLECTION

Personnel Services and Fringe Benefits 1,023,060.00

Supply and Service 2,890,920.00

Debt Service 323,560.00

4,237,540.00

PUBLIC WORKS-REFUSE DISPOSAL

Personnel Services and Fringe Benefits 2,757,660.00

Supply and Service 17,050.00

2,794,710.00

PUBLIC WORKS-WATER

Personnel Services and Fringe Benefits 1,880,500.00

Supply and Service 3,686,080.00

Equipment and Capital Outlay 2,197,500.00

Debt Service 452,210.00

8,216,290.00

RECREATION

Personnel Services and Fringe Benefits 816,360.00

Supply and Service 84,100.00

Debt Service -0-

Equipment and Capital Outlay -0-

900,460.00

RECREATION-PARKS

Personnel Services and Fringe Benefits 969,420.00

Supply and Service 161,370.00

Equipment and Capital Outlay 2,500.00

1,133,290.00

MISCELLANEOUS

Retiree Benefits 1,720,000.00

Interest on Tax Notes 425,000.00

General Audit 60,000.00

Judgment & Claims 155,000.00

Mental Health 60,000.00

Bond Principal 931,800.00

Bond Interest 596,400.00

Insurance (Public Liability) 670,000.00
Unemployment Compensation 230,000.00
Professional Services 200,000.00
Membership Fees 22,000.00
Computer Lease Purchase 100,000.00
Self-Help 30,000.00
Master Lease 277,000.00
Capital Equipment 75,000.00
Minimum Standards 58,000.00
Other Miscellaneous 114,500.00
5,724,700.00
CONTINGENCY FUND 40,000.00
DEBT SERVICE FUND 1,208,020.00
SCHOOL FUND 70,790,100.00
SCHOOL DEFICIT FUND 500,000.00

SECTION VI. This ordinance shall take effect upon its passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

X.NEW BUSINESS

A. City Managers Report (by City Manager Richard Brown)

1.TIF Redevelopment Plan and power point presentation from Village

on the Waterfront

B. Council Members

1. Resolution in support of maximum feasible car tax exemption. (by Mayor Larisa)

C. Resolutions

RESOLUTION OPPOSING PROPOSED EXPANSION OF POND VIEW/TLA SOLID WASTE MANAGEMENT FACILITY LICENSE

WHEREAS, at the regular meeting of the East Providence City Council held on October 5, 2010, at 7:30 p.m., at which time a quorum of the City Council was present and acting throughout, the City Council discussed the proposed expansion of TLA/Pond View Solid Waste Management Facility License; and

WHEREAS, the East Providence City Council is strongly opposed to the issuance of a permit from the Rhode Island Department of Environmental Management (RIDEM) that would allow for the expansion of TLA/Pond View to a Construction and Demolition Debris Facility which could accept up to 1,500 tons per day of Construction and Demolition Debris from the current maximum of 500 tons per day; and

WHEREAS, the City still disputes the validity of the current 500 ton per day limit which was an expansion from 150 tons per day as approved by a variance from the East Providence Zoning Board; and

WHEREAS, the City finds any expansion to be incompatible with the

surrounding area which is a mix of commercial and residential uses and inconsistent with the uses allowed in a light manufacturing zone; and

WHEREAS, the expansion would undermine the goals and objectives of the City's Comprehensive Plan relative to the development of the City's waterfront district; and

WHEREAS, the expansion would represent an intensification of the previously approved Zoning Use Variance; and

WHEREAS, the expansion will significantly increase truck traffic on residential roads; and

WHEREAS, said facility is a public nuisance in that its current operation emits noxious odors and dust and produces loud noises which severely undermine the quiet enjoyment and quality of life of East Providence residents; and

NOW, THEREFORE, BE IT RESOLVED that we, the East Providence City Council strongly oppose the proposed expansion of TLA/Pond View Facility and direct the Law Department to take the necessary legal action, including the possible filing of a civil action, to enforce the State and Local laws germane to TLA/Pond View's application for proposed expansion.

This resolution shall become effective upon its passage.

Requested By: Councilman Cusack

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

D.Introduction of Ordinances

**1.An ordinance regarding the Village on the Waterfront Project
ADOPTING THE EAST PROVIDENCE WATERFRONT SPECIAL
DEVELOPMENT DISTRICT PLAN (THE “REDEVELOPMENT PLAN”)
AND THE EAST PROVIDENCE WATERFRONT SPECIAL
DEVELOPMENT
DISTRICT TAX INCREMENT FINANCING PLAN (THE “PROJECT
PLAN”)
AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE
CERTAIN
PUBLIC INFRASTRUCTURE AND PUBLIC IMPROVEMENTS
NECESSARY
IN CONNECTION WITH THE VILLAGE ON THE WATERFRONT
PROJECT**

**WHEREAS, the City Council of the City of East Providence intends to
designate the area within the City described in Exhibit A (the
"Redevelopment Area") as a project and redevelopment area
pursuant to chapters 31-33 of title 45 of the Rhode Island General
Laws, the Redevelopment Act of 1956 (the "Redevelopment Act"); and
WHEREAS, it is the purpose and intent of the City Council to facilitate
redevelopment of the Redevelopment Area to accommodate the
City’s redevelopment initiatives; and**

**WHEREAS, the City is considering tax increment financing as a
means of financing certain projects as described in the Project Plan;**

and

WHEREAS, pursuant to the Redevelopment Act and chapter 33.2 of title 45 of the Rhode Island General Laws (the "Tax Increment Financing Act") the City desires to raise funds for the projects by creating a tax increment and providing for issuance of tax increment financing bonds of the City secured by a tax increment pledge ("TIF Debt"); and

WHEREAS, the Tax Increment Financing Act requires as conditions precedent to the creation of a tax increment, that the City Council adopt a redevelopment plan and a project plan, including the designation of a tax increment area and the calculation of the tax increment to be derived from taxes levied on real and personal property situated in or otherwise assignable for purposes of property taxation in the tax increment area; and

WHEREAS, the City Council is required by the Redevelopment Act to make certain findings, determinations and declarations in connection with the adoption of a redevelopment plan and a project plan; and

WHEREAS, Chevron Land and Development Company ("Chevron") is the designated developer of certain land located in the Redevelopment Area and Project Area (defined herein) and Chevron anticipates that it will develop the Village on the Waterfront (the "Village on the Waterfront Project") and incur capital expenditures of approximately \$167,000,00 for such development; and

WHEREAS, pursuant to the Tax Increment Financing Act and the Project Plan adopted herein, the City shall designate a portion of the tax increment resulting from the Village on the Waterfront Project for

the benefit of certain projects described in the Redevelopment Plan and the Project Plan, including the infrastructure and public improvements contemplated by the Village on the Waterfront Project (the "TIF Projects"); and

WHEREAS, the City wishes to provide authorization, subject to Section 8 hereof, for the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate amount not to exceed \$17,694,000 to finance and refinance the TIF Projects related to the Village on the Waterfront Project; and

WHEREAS, TIF Debt will be payable solely from "project revenues" as defined in the Tax Increment Financing Act and the Project Plan; and

WHEREAS, project revenues will include tax increments, bond proceeds and betterment fees; and

WHEREAS, it is intended that the betterment fees will be properly imposed on land and improvements comprising the Village on the Waterfront Project and serve as security for TIF Debt issued for the benefit of the Village on the Waterfront Project, such betterment fees to be paid over the term of any TIF Debt issued for the benefit of the Village on the Waterfront Project at the interest rate on such TIF Debt and for which the tax increment revenues will be a credit to the payment of betterment fees or special assessments; and

WHEREAS, project revenues do not include general funds of the City; and

WHEREAS, the TIF Debt will be a special obligation of the City payable solely from project revenues.

NOW THEREFORE, the City Council of the City of East Providence hereby makes the following findings, determinations and declarations with regard to the East Providence Waterfront Special Development District Plan (the “Redevelopment Plan”) and the East Providence Waterfront Special Development District Tax Increment Financing Plan (the “Project Plan”) both of which are incorporated by reference herein as required by Sections 45-32-13 through 45-32-18, Section 45-32-20 and Section 45 33.2 4(1) and (5) of the Rhode Island General Laws:

- 1. The Redevelopment Plan and the Project Plan are feasible and conform to the comprehensive plan for the City of East Providence, and if carried out would promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of the Redevelopment Act.**
- 2. The source of funds for carrying out the Redevelopment Plan shall be proceeds from the sale of TIF Debt issued by the City of East Providence and any other legally available revenues contemplated by the Redevelopment Plan.**
- 3. The Redevelopment Plan does not directly result in changes to streets except for the extension and construction of a portion of Waterfront Drive and entrance features at Lyon Avenue.**
- 4. The Redevelopment Plan does not presently provide for acquisition by the City of property by negotiation or by eminent domain.**
- 5. The Redevelopment Plan contemplates financial aid from the federal government.**
- 6. The Redevelopment Plan provides for the retention of controls and**

the establishment of any restrictions or covenants which may run with the real property sold, leased, or otherwise disposed of for private or public use as are necessary to effectuate the purposes of the Redevelopment Act.

7. The findings of fact regarding "blighted and substandard conditions" set forth in the Redevelopment Plan are hereby accepted.

Based on those findings of fact, the Redevelopment Area designated below is hereby found to be a "blighted and substandard area" as that term is defined in Section 45-31-8 of the Redevelopment Act and requires clearance, replanning, redevelopment, rehabilitation and improvement. Pursuant to Section 45-33.2-3(2) of the Tax Increment Financing Act, the Projects to be undertaken by the City are not required to be in a Redevelopment Area.

8. That the Project Area designated below would not by private enterprise alone, and without either governmental subsidy or the exercise of governmental powers, be developed or revitalized in a manner so as to prevent, arrest, or alleviate the spread of blight or decay.

9. That the Project Plan will afford maximum opportunity to privately financed development or revitalization consistent with the sound needs of the City as a whole.

10. The facilities and other assistance are needed and that the financing of the project in accordance with the Project Plan is in the public interest.

11. The City Council intends that the Project Area be redeveloped in

accordance with the City's Redevelopment Plan and Comprehensive Plan and intends that such redevelopment promote the health, safety and welfare of the City.

12. The Village on the Waterfront Project expects to create approximately 92 permanent and 2000 temporary jobs. It is expected that wages and benefits from such job will be in line with going market rates resulting in increased personal income tax for the State of Rhode Island

NOW THEREFORE, the City of East Providence ordains as follows:

SECTION 1. The Redevelopment Plan, incorporated by reference herein, is adopted and approved as a redevelopment plan of the City of East Providence pursuant to chapters 31-33 of title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956. The Redevelopment Area is described in Exhibit A hereto.

The Redevelopment Area is designated as a Project Area for the purposes of the Tax Increment Financing Act. The Project shall be identified as "Village on the Waterfront Project Number 2010-1." The Redevelopment Plan is the official redevelopment plan for the Project Area.

SECTION 2. There is hereby authorized, subject to Section 8 hereof, the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate outstanding amount not to exceed \$17,694,000 to finance the TIF Projects contained in the Project Plan relating to the Village on the Waterfront Project (the "Bonds").

SECTION 3. The Bonds shall be issued for the purpose of carrying

out any project or projects described in the Project Plan including the TIF Project. Without limiting the generality of the foregoing the Bonds shall be issued for Project Plan project costs, which may include interest prior to and during the carrying out of any such project and for a reasonable time thereafter, such costs, reimbursements and reserves as may be required by any agreement or arrangement securing the Bonds, and all other expenses with respect thereto, including, without limitation, reimbursement of expenses previously paid from any other source, incidental to planning, carrying out and financing any such project.

SECTION 4. The Bonds shall be payable solely from "project revenues" including tax increment as defined in the Tax Increment Financing Act and shall not be deemed to be a pledge of the faith and credit or the taxing power of the City.

SECTION 5. The City hereby pledges not more than 62.5% of the tax increment resulting from the TIF Area (as defined in the Project Plan) comprising the Village on the Waterfront Project to the repayment of the Bonds. Notwithstanding anything contained herein to the contrary, the debt service on the Bonds shall not exceed 50% of the estimated tax increment after buildout of a phase of development supporting a series of Bonds.

SECTION 6. Each of the Bonds shall recite on its face that it is a special obligation bond or bond anticipation note, as the case may be, payable solely from "project revenues" as defined in the Tax Increment Financing Act pledged for its repayment.

SECTION 7. The Bonds shall be dated and may be made redeemable

before maturity with or without premium. The Bonds may be issued in one or more series and may be initially issued into escrow and released from escrow upon satisfaction of certain development and project revenue generation milestones as determined by the Authorized Officers. The Authorized Officers defined below shall determine the terms, details and manner of sale and other conditions of the Bonds and the security structure therefor for each issue of Bonds in accordance with the Tax Increment Financing Act and the Project Plan, including the manner in which tax increment received and to be received under the Tax Increment Financing Act and the Project Plan and other "project revenues" under the Act shall be escrowed, pledged or otherwise used to secure any such Bonds issue, and shall also determine the date or dates of the Bonds, their denomination or denominations, the place or places of payment of the principal and interest thereon, which may be at any bank or trust company within or without the state, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the Bonds.

SECTION 8. The Mayor, the City Manager and the Director of Finance (the "Authorized Officers") are authorized to negotiate and determine the terms and provisions of such documents required for the sale and issuance of the Bonds and the documents required to complete the project or projects described in the Project Plan, including a Trust Indenture, Series Indenture, Bond Purchase Agreement and an Escrow Funding Agreement and other necessary documents and certificates and are hereby authorized to execute and deliver such

documents, the forms of which will be presented in substantially final form to the City Council for approval.

SECTION 9. The Authorized Officers are authorized to prepare and deliver an Official Statement or Preliminary Limited Offering Memorandum, if required, in connection with the sale of the Bonds

SECTION 10. The Bonds shall be signed by the Director of Finance, shall be countersigned by the Mayor, either manually or by facsimile, and shall bear the seal of the City or a facsimile thereof.

SECTION 11. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds shall cease to be an officer before the delivery thereof, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery.

SECTION 12. The City may sell the Bonds in such manner, either at limited public or private sale, and for such price, as the Authorized Officers may determine will best effect the purposes of this ordinance and the Tax Increment Financing Act.

SECTION 13. Notwithstanding any provisions of any general or special law to the contrary, Bonds issued under the Tax Increment Financing Act and hereunder may provide for annual or more frequent installments of principal in equal, diminishing, or increasing amounts, with the first installment of principal to be due at any time within five (5) years from the date of the issuance of the bonds and the last installment of principal to be due not later than thirty-five (35) years from the date of the issuance of the Bonds.

SECTION 14. The Authorized Officers are authorized to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds, in such form as shall be deemed advisable by the Authorized Officers. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the bonds or bond anticipation notes, failure of the City to comply with any Continuing Disclosure Certificate shall not be considered an event of default under such bonds or bond anticipation notes; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under each Continuing Disclosure Certificate.

SECTION 15. This ordinance shall take effect upon passage.

Requested By: The Director of Planning

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

2.An ordinance regarding increase in the annual fee of the fixed meter charge portion of sewer charge.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”**

SECTION I. Subsection (b) of Sec. 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended to read as follows:

(b) The fixed meter charge portion of the sewer charge shall be determined as follows:

Meter size Annual Fee

5/8 \$ 40.00 60.00

3/4 70.00 100.00

1 100.00 150.00

1 1/2 200.00 300.00

2 310.00 450.00

3 670.00 980.00

4 1,140.00 1,660.00

6 2,360.00 3,440.00

8 3,390.00 4,950.00

Such fee shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3.An ordinance regarding the water consumption portion of sewer charge increase.

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”

SECTION I. Subsection (c) of Sec. 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended to read as follows:

(c) Effective November 1, 2009 2010, the water consumption portion of the sewer charge shall be at a rate of \$4.46 6.42 per hundred cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.

Effective November 1, 2010 2011, the rate per hundred cubic feet of water will increase to \$5.35 7.78.

Effective November 1, 2011 2012, the rate per hundred cubic feet of water will increase to \$5.41 8.09.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

4. An ordinance regarding water rates increase.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”**

**SECTION I. Subsection (a) of Sec. 17-36 entitled “Water rates.” of
Article II entitled “Water” of Chapter 17 of the Revised Ordinances of
the City of East Providence, Rhode Island, 1998, as amended, entitled
“Utilities,” is amended to read as follows:**

**(a) The water rates for water furnished by the city to the consumer
and measured by meter shall be billed at \$2.85 3.35 per 100 cubic feet
for all consumers.**

**SECTION II. This ordinance shall take effect upon its second passage
and all ordinances or parts of ordinances inconsistent herewith are
hereby repealed.**

Requested by: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

**5. AN ORDINANCE ORDERING THE ASSESSMENT AND COLLECTION
OF
PROPERTY TAX ON THE RATABLE REAL ESTATE, TANGIBLE
PERSONAL
PROPERTY AND AN EXCISE TAX ON REGISTERED MOTOR
VEHICLES AND TRAILERS.**

**SECTION I. That the City Council of the City of East Providence
hereby orders the assessment and collection of a tax on ratable real**

estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum not more than Ninety-six Million One Hundred Thousand (\$96,100,000) Dollars nor less than Ninety-four Million Six Hundred Thousand (\$94,600,000) Dollars. Said tax is for ordinary expenses, for the payment of interest and indebtedness, in whole or in part, of said city, and for other purposes authorized by law.

The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the 31st day of December, 2010 at twelve o'clock Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the City Treasurer of the City of East Providence, who is charged with the duties for the collection of taxes, on or before the 15th day of June, 2011 complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the City Treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the 1st day of June 2011 and the 1st day of July, 2011 and provided further that if said tangible personal property and real estate taxes are paid in full on or before the 1st day of July, 2011, a discount of three per centum (3%) of the total taxes on

said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the 1st day of July, 2011 shall carry until collected a penalty at the rate of twelve per centum (12%) per annum from the 1st day of June, 2011 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of twenty-five per centum (25%) on or before the 1st day of July, 2011, the second installment of twenty-five per centum (25%) on or before the 1st day of September, 2011, the third installment of twenty-five per centum (25%) on or before the 1st day of December, 2011 and the fourth installment of twenty-five per centum (25%) on or before the 1st day of March, 2012.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of twelve per centum, (12%) per annum.

The City Treasurer shall, by advertisement in the public newspaper having circulation in the City of East Providence, notify all persons assessed to pay their respective taxes at his office on and between the said 1st day of June, and the 1st day of July, 2011 both days inclusive; said City Treasurer setting forth the hours during which his office shall remain open to receive said taxes.

SECTION II. That any of said taxes not paid on or before the 1st day of March, 2012 shall forthwith be collected by levy upon the sale of real estate upon which it is assessed and by that or other due process of law in case of assessment upon personal property.

SECTION III. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

6. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO BORROW FUNDS IN ANTICIPATION OF REVENUE.

SECTION I. The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2011 such sums of money in anticipation of the sewer use fee revenue of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any revenue anticipation notes of a prior year to the extent permitted by law.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

**7. AN ORDINANCE AUTHORIZING THE DIRECTOR OF
FINANCE TO BORROW FUNDS IN ANTICIPATION OF TAXES.**

SECTION I. The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2011 such sums of money in anticipation of the property taxes of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any tax anticipation notes of a prior year to the extent permitted by law.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

E.Communications

1.Fire Chief Joseph Klucznik requesting to address the Council regarding the Annual East Providence Firefighters Freaky 5K on Sunday October 24th and the closure of a small section of N. Broadway to entrance of Rumford Towers from 9:00am-12:00pm.

2.Richard Rodi, 77 Pitman Street, Providence representing the Red

Bridge Neighborhood Association would like to address the Council regarding and update on previously discussed items.

3.Bill Murphy, 27 Wetmore Avenue requesting to address the Council regarding clarification of School Budget status.

XI.ADJOURNMENT

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**